

Senate Chamber, Atlanta, Georgia  
Tuesday, February 15, 2005  
Eighteenth Legislative Day

The Senate met pursuant to adjournment at 10:00 a.m. today and was called to order by the President.

Senator Thomas of the 54th reported that the Journal of the previous legislative day had been read and found to be correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

The House has passed by the requisite constitutional majority the following Bills of the House:

HB 184. By Representatives Scott of the 153rd, Heard of the 104th, Geisinger of the 48th and Powell of the 29th:

A BILL to be entitled an Act to amend Code Section 43-41-3 of the Official Code of Georgia Annotated, relating to creation of State Licensing Board for Residential and General Contractors, so as to change the manner of appointment of members of the board; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 293. By Representative O'Neal of the 146th:

A BILL to be entitled an Act to amend Title 50 of the O.C.G.A., relating to state government, Title 10 of the O.C.G.A., relating to commerce and trade, Title 12 of the O.C.G.A., relating to conservation and natural resources, Title 15 of the O.C.G.A., relating to courts, Title 19 of the O.C.G.A., relating to domestic relations, Title 20 of the O.C.G.A., relating to education, Title 28 of the O.C.G.A., relating to the General Assembly, Title 34 of the O.C.G.A., relating to labor and industrial relations, Title 45 of the O.C.G.A., relating to public officers and employees, Title 47 of the O.C.G.A., relating to retirement and pensions, and Title 48 of the O.C.G.A., relating to revenue and taxation, so as to create the State Accounting

Office; to provide for a state accounting officer; to provide for the appointment and removal of such officer; to provide for staff and offices; to provide for duties and responsibilities of such officer; to provide for effective dates; to repeal conflicting laws; and for other purposes.

HB 296. By Representative Willard of the 49th:

A BILL to be entitled an Act to amend Title 15 of the O.C.G.A., relating to courts, so as to authorize the Family Court Division of the Superior Court of Fulton County in the Atlanta Judicial Circuit as a pilot project of limited duration; to provide for judges and their appointment, designation, and terms; to provide for district attorneys, public defenders, a clerk, probation officers, and other employees; to authorize agreements with other courts and agencies for the assignment of personnel to such court; to authorize the Attorney General to appoint attorneys to represent the Department of Human Resources in such court; to authorize the chief judge of the Superior Court to require family court judges to complete a planned program of instruction; to provide for expenses; to provide for reports; to provide for automatic repeal; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The House has adopted by the requisite constitutional majority the following Resolution of the House:

HR 66. By Representatives Smith of the 168th, Smith of the 70th, Sheldon of the 105th, Barnes of the 78th, Meadows of the 5th and others:

A RESOLUTION providing that the Department of Community Affairs may provide that the service area of any nonprofit corporation created by a regional development center and designated as a certified development company by the federal Small Business Administration may include all or part of the entire State of Georgia solely for the purpose of providing authorized program services in accordance with SBA regulations; to provide for procedures; to provide for the transmission of copies of this resolution; to provide for an effective date; and for other purposes.

The following Senate legislation was introduced, read the first time and referred to committee:

- SB 15. By Senators Thompson of the 5th, Shafer of the 48th, Unterman of the 45th, Butler of the 55th, Henson of the 41st and others:

A BILL to be entitled an Act to authorize Gwinnett County to exercise all redevelopment and other powers under Article IX, Section II, Paragraph VII(b) of the Constitution and Chapter 44 of Title 36 of the O.C.G.A., the "Redevelopment Powers Law," as amended; to provide for a referendum; to provide effective dates; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

- SB 186. By Senator Whitehead, Sr. of the 24th:

A BILL to be entitled an Act to amend Chapter 15 of Title 20 of the Official Code of Georgia Annotated, relating to the Georgia Medical Center Authority, so as to change certain provisions relating to establishment of the authority, appointment of members, terms of office, vacancies, removal from office, compensation, authority's existence, and accountability of members; to repeal conflicting laws; and for other purposes.

Referred to the Health and Human Services Committee.

- SB 187. By Senators Fort of the 39th, Thompson of the 5th and Zamarripa of the 36th:

A BILL to be entitled an Act to amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to improve enforcement of the uniform rules of the road; to regulate use of traffic law compliance monitoring devices in enforcing certain such rules; to provide that certain maximum speeding fine limitations shall not apply to speeding in a school speed zone; to change certain provisions relating to required observance of the uniform rules of the road; to change certain provisions relating to obedience to traffic-control devices and enforcement by traffic law compliance monitoring devices; to change certain provisions relating to traffic-control signal monitoring devices; to provide for applicability; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Public Safety and Homeland Security Committee.

- SB 188. By Senators Fort of the 39th, Thompson of the 5th and Zamarripa of the 36th:

A BILL to be entitled an Act to amend Article 11 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to miscellaneous provisions

of uniform rules of the road, so as to prohibit the use of devices containing video screens displaying moving pictures visible to the operator of any moving motor vehicle; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes

Referred to the Public Safety and Homeland Security Committee.

SB 189. By Senators Hamrick of the 30th and Unterman of the 45th:

A BILL to be entitled an Act to amend Chapter 17 of Title 17 of the O.C.G.A., relating to the "Crime Victims' Bill of Rights," so as to provide special notification procedures for certain crime victims; to change certain provisions relating to notification to victim of accused's arrest, release from custody, and any judicial proceedings at which such release is considered; to change certain provisions relating to notification to victim of accused's arrest and any proceedings where accused's release is considered; to change certain provisions relating to notification to victim of impending parole or clemency proceedings; to change provisions relating to a victim being required to provide an address and phone number to notifying parties; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Judiciary Committee.

SB 190. By Senators Tolleson of the 20th, Bulloch of the 11th, Johnson of the 1st and Pearson of the 51st:

A BILL to be entitled an Act to amend Code Section 12-2-2 of the Official Code of Georgia Annotated, relating to the Environmental Protection Division, the Environmental Advisory Council, duties of the council, its members, and the director of the division, procedure for aggrieved persons, and inspections, so as to provide that the filing of a petition in certain instances shall not result in a stay of a decision; to amend Code Section 50-13-19 of the Official Code of Georgia Annotated, relating to judicial review of contested cases, so as to provide that the filing of a petition in certain instances shall not result in a stay of a decision except under certain conditions; to repeal conflicting laws; and for other purposes.

Referred to the Natural Resources and the Environment Committee.

SB 191. By Senators Tolleson of the 20th, Bulloch of the 11th, Johnson of the 1st and Pearson of the 51st:

A BILL to be entitled an Act to amend Code Section 12-2-2 of the Official

Code of Georgia Annotated, relating to the Environmental Protection Division, the Environmental Advisory Council, duties of the council, its members, and the director of the division, procedure for aggrieved persons, and inspections, so as to provide for expedited review of certain applications for permits or variances performed by qualified professionals under contract with the division for such purpose; to repeal conflicting laws; and for other purposes

Referred to the Natural Resources and the Environment Committee.

SB 192. By Senators Thomas of the 54th, Thompson of the 5th and Mullis of the 53rd:

A BILL to be entitled an Act to amend Article 5 of Chapter 9 of Title 45 of the O.C.G.A., relating to insuring and indemnifying law enforcement officers, firefighters, prison guards, and publicly employed emergency medical technicians, so as to define certain terms; to provide that any emergency rescue or public safety worker who suffers a condition or impairment of health that is caused by hepatitis, meningococcal meningitis, or tuberculosis, that requires medical treatment, and that results in total or partial disability or death shall be presumed to have a disability suffered in the line of duty unless the contrary is shown by competent evidence; to provide for a verification that certain health related activities did not take place; to provide for immunizations; to provide for applicability; to repeal conflicting laws; and for other purposes.

Referred to the Insurance and Labor Committee.

SB 193. By Senators Wiles of the 37th, Johnson of the 1st, Weber of the 40th, Balfour of the 9th and Harp of the 29th:

A BILL to be entitled an Act to amend Article 1 of Chapter 12 of Title 15 of the O.C.G.A., relating to general provisions for juries, so as to change provisions relating to exemptions and postponement of jury duty; to provide a short title; to provide a statement of policy; to provide for guidelines for exemptions for jury duty; to provide for the implementation of a juror management program in each state and superior court; to provide for the completion of jury duty; to provide for exemptions; to change provisions relating to a juror's failure to appear for jury service and create a new offense of failure to appear for jury duty; to create a lengthy trial fund for certain types of cases; to amend Code Section 34-1-3 of the O.C.G.A.; to provide for related matters; to provide for effective dates; to provide for applicability; to repeal conflicting laws; and for other purposes.

Referred to the Judiciary Committee.

SR 163. By Senator Moody of the 56th:

A RESOLUTION creating the Senate Study Committee on Public-private Infrastructure Projects; and for other purposes.

Referred to the Economic Development Committee.

SR 165. By Senators Schaefer of the 50th, Thomas of the 54th, Hill of the 32nd, Heath of the 31st, Hudgens of the 47th and others:

A RESOLUTION creating the Cervical Cancer Elimination Task Force; and for other purposes.

Referred to the Health and Human Services Committee.

SR 166. By Senators Rogers of the 21st, Johnson of the 1st, Stephens of the 27th, Seabaugh of the 28th and Chance of the 16th:

A RESOLUTION expressing the sense of the Senate with respect to general bills; and for other purposes.

Referred to the Reapportionment and Redistricting Committee.

The following House legislation was read the first time and referred to committee:

HB 184. By Representatives Scott of the 153rd, Heard of the 104th, Geisinger of the 48th and Powell of the 29th:

A BILL to be entitled an Act to amend Code Section 43-41-3 of the Official Code of Georgia Annotated, relating to creation of State Licensing Board for Residential and General Contractors, so as to change the manner of appointment of members of the board; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Regulated Industries and Utilities Committee.

HB 293. By Representative O`Neal of the 146th:

A BILL to be entitled an Act to amend Title 50 of the O.C.G.A., relating to state government, Title 10 of the O.C.G.A., relating to commerce and trade, Title 12 of the O.C.G.A., relating to conservation and natural resources, Title 15 of the O.C.G.A., relating to courts, Title 19 of the O.C.G.A., relating to domestic relations, Title 20 of the O.C.G.A., relating to education, Title 28 of

the O.C.G.A., relating to the General Assembly, Title 34 of the O.C.G.A., relating to labor and industrial relations, Title 45 of the O.C.G.A., relating to public officers and employees, Title 47 of the O.C.G.A., relating to retirement and pensions, and Title 48 of the O.C.G.A., relating to revenue and taxation, so as to create the State Accounting Office; to provide for a state accounting officer; to provide for the appointment and removal of such officer; to provide for staff and offices; to provide for duties and responsibilities of such officer; to provide for effective dates; to repeal conflicting laws; and for other purposes.

Referred to the Finance Committee.

HB 296. By Representative Willard of the 49th:

A BILL to be entitled an Act to amend Title 15 of the O.C.G.A., relating to courts, so as to authorize the Family Court Division of the Superior Court of Fulton County in the Atlanta Judicial Circuit as a pilot project of limited duration; to provide for judges and their appointment, designation, and terms; to provide for district attorneys, public defenders, a clerk, probation officers, and other employees; to authorize agreements with other courts and agencies for the assignment of personnel to such court; to authorize the Attorney General to appoint attorneys to represent the Department of Human Resources in such court; to authorize the chief judge of the Superior Court to require family court judges to complete a planned program of instruction; to provide for expenses; to provide for reports; to provide for automatic repeal; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations (General) Committee.

HR 66. By Representatives Smith of the 168th, Smith of the 70th, Sheldon of the 105th, Barnes of the 78th, Meadows of the 5th and others:

A RESOLUTION providing that the Department of Community Affairs may provide that the service area of any nonprofit corporation created by a regional development center and designated as a certified development company by the federal Small Business Administration may include all or part of the entire State of Georgia solely for the purpose of providing authorized program services in accordance with SBA regulations; to provide for procedures; to provide for the transmission of copies of this resolution; to provide for an effective date; and for other purposes.

Referred to the Economic Development Committee.

The following committee reports were read by the Secretary:

Mr. President:

The Appropriations Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

HB 84            Do Pass by substitute

Respectfully submitted,  
Senator Hill of the 4th District, Chairman

Mr. President:

The Insurance and Labor Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 11            Do Pass

Respectfully submitted,  
Senator Hudgens of the 47th District, Chairman

Mr. President:

The State and Local Governmental Operations Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

HB 88            Do Pass  
SB 138          Do Pass

Respectfully submitted,  
Senator Wiles of the 37th District, Chairman

The following legislation was read the second time:

SB 49            SB 80

Senator Seabaugh of the 28th asked unanimous consent that Senator Moody of the 56th be excused. The consent was granted, and Senator Moody was excused.

Senator Hooks of the 14th asked unanimous consent that Senator Starr of the 44th be excused. The consent was granted, and Senator Starr was excused.



Senator Hooks of the 14th asked unanimous consent that Senator Harbison of the 15th be excused. The consent was granted, and Senator Harbison was excused.

Senator Pearson of the 51st asked unanimous consent that Senator Balfour of the 9th be excused. The consent was granted, and Senator Balfour was excused.

The roll was called and the following Senators answered to their names:

Adelman	Hill,Judson	Staton
Brown	Hooks	Stephens
Bulloch	Hudgens	Stoner
Butler	Johnson	Tate
Cagle	Jones	Thomas,D
Carter	Kemp	Thomas,R
Chance	Me V Bremen	Thompson,C
Chapman	Miles	Thompson,S
Douglas	Mullis	Tolleson
Fort	Pearson	Unterman
Goggans	Powell	Walker
Golden	Rogers	Weber
Hamrick	Schaefer	Whitehead
Harp	Seabaugh	Wiles
Heath	Seay	Williams
Henson	Shafer,D	Zamarripa
Hill,Jack	Smith	

Not answering were Senators:

Balfour (Excused)	Grant	Harbison (Excused)
Moody (Excused)	Reed	Starr (Excused)

Senator Reed was off the floor of the Senate when the roll was called and wishes to be recorded as present.

The members pledged allegiance to the flag.

Senator Wiles of the 37th introduced the chaplain of the day, Pastor Marlon Longacre of Kennesaw, Georgia, who offered scripture reading and prayer.

Senator Golden of the 8th recognized the NCAA Division II National Champion, Valdosta State University Football Team, commended by SR 106, adopted previously.

The following resolutions were read and adopted:

SR 162. By Senator Kemp of the 46th:

A RESOLUTION recognizing and commending Cardee Kilpatrick; and for other purposes.

SR 164. By Senators Whitehead, Sr. of the 24th, Grant of the 25th and Hudgens of the 47th:

A RESOLUTION expressing regret at the passing of Lance Corporal Michael Scarborough; and for other purposes.

SR 167. By Senator Wiles of the 37th:

A RESOLUTION recognizing Honorable James V. Ham, President of the Association County Commissioners of Georgia, and other county commissioners, county officials, and county employees of Georgia; and for other purposes.

SR 168. By Senators Tate of the 38th and Butler of the 55th:

A RESOLUTION commending the Empire Board of Realtists, Inc.; and for other purposes.

The following local, uncontested legislation, favorably reported by the committee as listed on the Local Consent Calendar, was put upon its passage:

#### **SENATE LOCAL CONSENT CALENDAR**

Tuesday, February 15, 2005  
Eighteenth Legislative Day

(The names listed are the Senators whose districts are affected by the legislation.)

SB 138                      Stoner of the 6th  
                                 Rogers of the 21st  
                                 Hill of the 32nd  
                                 Thompson of the 33rd  
                                 Wiles of the 37th

**COBB COUNTY/MARIETTA WATER AUTHORITY**

A BILL to be entitled an Act to amend an Act creating the Cobb County-Marietta Water Authority, approved February 21, 1951 (Ga. L. 1951, p. 497), as amended, particularly by an Act approved March 28, 1986 (Ga. L. 1986, p. 5296), an Act approved March 30, 1989 (Ga. L. 1989, p. 4711), and an Act approved April 5, 1995 (Ga. L. 1995, p. 4121), so as to change the membership, vacancy, and quorum provisions regarding the authority; to provide an effective date; to repeal conflicting laws; and for other purposes.

**Pursuant to Article VII, Section II, Paragraph IV of the Constitution, the following local bill relating to homestead exemptions requires a two-thirds roll-call vote for passage:**

HB 88

Pearson of the 51st  
**LUMPKIN COUNTY**

A BILL to be entitled an Act to provide a homestead exemption from Lumpkin County school district ad valorem taxes for educational purposes in the amount of \$120,000.00 of the assessed value of the homestead for residents of that school district who are 70 years of age or older; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

The report of the committee, which was favorable to the passage of the local legislation as reported, was agreed to.

On the passage of the legislation, a roll call was taken, and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
E Balfour	Y Hill,Judson	E Starr
Y Brown	Y Hooks	Y Staton
Bulloch	Y Hudgens	Y Stephens
Y Butler	Y Johnson	Y Stoner
Y Cagle	Y Jones	Y Tate
Y Carter	Y Kemp	Y Thomas,D
Y Chance	Y Me V Bremen	Y Thomas,R
Y Chapman	Miles	Y Thompson,C
Douglas	E Moody	N Thompson,S
Y Fort	Y Mullis	Y Tolleson
Y Goggans	Y Pearson	Y Unterman

Golden	Y Powell	Walker
Grant	Y Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
E Harbison	Y Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Y Heath	Y Seay	Y Zamarripa
Y Henson	Y Shafer,D	

On the passage of the local legislation, the yeas were 45, nays 1.

The legislation on the Local Consent Calendar, having received the requisite constitutional majority, was passed.

SENATE RULES CALENDAR  
TUESDAY, FEBRUARY 15, 2005  
EIGHTEENTH LEGISLATIVE DAY

SB 125	Economic Development; state-wide tourism marketing; Music Hall of Fame Authority; board appointment (ECD-53rd)
SR 78	Medicare/Medicaid; urge federal centers to expand Georgia's care initiative (H&HS-19th)
SB 58	Street Gang Terrorism/Prevention; change/add certain definitions (Substitute)(PS&HS-30th)
SR 81	Designate; J.G. McCalmon Highway; Carroll/Haralson counties (Substitute)(TRANS-30th)

Respectfully submitted,

/s/ Balfour of the 9th, Chairman  
Senate Rules Committee

The following legislation was read the third time and put upon its passage:

SB 125. By Senators Mullis of the 53rd, Rogers of the 21st, Zamarripa of the 36th, Whitehead, Sr. of the 24th, Stephens of the 27th and others:

A BILL to be entitled an Act to amend Titles 50 and 12 of the O.C.G.A., relating respectively to state government and conservation and natural resources; to promote tourism through a state-wide tourism marketing program and a more focused administrative structure; to provide for implementation and

for coordination of other agencies by the Department of Economic Development; to provide corresponding amendments to powers of the Board of Economic Development; to provide for a Georgia Tourism Foundation and the solicitation and disbursement of contributions; to transfer the assignment for administrative purposes of certain venues and authorities with tourism roles to the Department of Economic Development; to provide for appointment of the board of the Music Hall of Fame Authority; to provide for an effective date; to repeal conflicting laws, and for related purposes.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
E Balfour	Y Hill,Judson	E Starr
Y Brown	Y Hooks	Y Staton
Y Bulloch	Y Hudgens	Stephens
Y Butler	Y Johnson	Y Stoner
Y Cagle	Y Jones	Y Tate
Y Carter	Y Kemp	Y Thomas,D
Y Chance	Y Me V Bremen	Y Thomas,R
Y Chapman	Y Miles	Thompson,C
Y Douglas	E Moody	Y Thompson,S
Y Fort	Y Mullis	Y Tolleson
Goggans	Y Pearson	Y Unterman
Golden	Y Powell	Y Walker
Y Grant	Y Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
E Harbison	Y Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Y Heath	Y Seay	Y Zamarripa
Y Henson	Y Shafer,D	

On the passage of the bill, the yeas were 48, nays 0.

SB 125, having received the requisite constitutional majority, was passed.

Senator Zamarripa of the 36th introduced the doctor of the day, Dr. Peter Steckl.

Senator Tate of the 38th asked unanimous consent that Senator Henson of the 41st be excused. The consent was granted, and Senator Henson was excused.

Senator Jones of the 10th asked unanimous consent that Senator Adelman of the 42nd be excused. The consent was granted, and Senator Adelman was excused.

The Calendar was resumed.

SR 78. By Senators Williams of the 19th, Staton of the 18th, Johnson of the 1st and Moody of the 56th:

A RESOLUTION urging the federal Centers for Medicare and Medicaid Services to approve the waivers requested by Georgia to further expand Georgia's self-directed care initiative; and for other purposes.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

E Adelman	Y Hill,Jack	Y Smith
E Balfour	Y Hill,Judson	E Starr
N Brown	Y Hooks	Y Staton
Y Bulloch	Y Hudgens	Stephens
Y Butler	Y Johnson	Stoner
Y Cagle	Y Jones	Y Tate
Y Carter	Y Kemp	Y Thomas,D
Y Chance	Y Me V Bremen	Y Thomas,R
Y Chapman	Y Miles	Y Thompson,C
Y Douglas	E Moody	Y Thompson,S
Y Fort	Y Mullis	Y Tolleson
Y Goggans	Y Pearson	Y Unterman
Golden	Y Powell	Y Walker
Y Grant	Y Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
E Harbison	Y Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Y Heath	Y Seay	Y Zamarripa
E Henson	Y Shafer,D	

On the adoption of the resolution, the yeas were 46, nays 1.

SR 78, having received the requisite constitutional majority, was adopted.

Senator Hill of the 4th recognized members of the 4-H Clubs of Georgia, commended by SR 131, adopted previously.

The Calendar was resumed.

SB 58. By Senators Hamrick of the 30th, Cagle of the 49th, Smith of the 52nd, Unterman of the 45th, Pearson of the 51st and others:

A BILL to be entitled an Act to amend Code Section 16-15-3 of the Official Code of Georgia Annotated, relating to definitions relating to street gang terrorism and prevention, so as to change and add certain definitions; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The Senate Public Safety and Homeland Security Committee offered the following substitute to SB 58:

A BILL TO BE ENTITLED  
AN ACT

To amend Code Section 16-15-3 of the Official Code of Georgia Annotated, relating to definitions relating to street gang terrorism and prevention, so as to change and add certain definitions; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Code Section 16-15-3 of the Official Code of Georgia Annotated, relating to definitions relating to street gang terrorism and prevention, is amended by striking the Code section and inserting in lieu thereof a new Code Section 16-15-3 to read as follows:

"16-15-3.

As used in this chapter, the term:

~~(2)(1) 'Pattern of criminal~~ Criminal gang activity' means the commission, attempted commission, conspiracy to commit, or solicitation, coercion, or intimidation of another person to commit at least ~~two~~ one of the following offenses, ~~provided that at least one of these offenses occurred after July 1, 1998, and the last of such offenses occurred within three years, excluding any periods of imprisonment, of prior criminal gang activity while a member of a criminal street gang:~~

- (A) Any offense defined as racketeering activity by Code Section 16-14-3;
- (B) Any offense defined in Article 7 of Chapter 5 of this title, relating to stalking;
- (C) Any offense defined in Code Section 16-6-1 as rape, 16-6-2 as aggravated sodomy, 16-6-3 as statutory rape, or 16-6-22.2 as aggravated sexual battery;
- (D) Any offense defined in Article 3 of Chapter 10 of this title, relating to escape and other offenses related to confinement;
- (E) Any offense defined in Article 4 of Chapter 11 of this title, relating to

dangerous instrumentalities and practices;

(F) Any offense defined in Code Section 42-5-15, 42-5-16, 42-5-17, 42-5-18, or 42-5-19, relating to the security of state or county correctional facilities; ~~and~~

(G) Any offense defined in Code Section 49-4A-11, relating to aiding or encouraging a child to escape from custody;

(H) Any offense of criminal trespass or criminal damage to property resulting from any act of painting on, tagging, marking on, writing on, or creating any form of graffiti on the property of another;

(I) Any criminal offense committed in violation of the laws of the United States or its territories, dominions, or possessions, any of the several states, or any foreign nation which, if committed in this state, would be considered criminal gang activity under this Code section; and

(J) Any criminal offense in the State of Georgia, any other state, or the United States that involved violence, possession of a weapon, or use of a weapon, whether designated as a felony or not, and regardless of the maximum sentence that could be imposed or actually was imposed.

The commission of any offense enumerated in this paragraph by any member of a criminal street gang shall be admissible in any trial or proceeding for the purpose of proving the existence of the criminal street gang and the pattern of criminal gang activity.

~~(4)(2)~~ 'Criminal street gang' means any organization, association, or group of three or more persons associated in fact, whether formal or informal, ~~which engages in a pattern of criminal gang activity as defined~~ at least one of whom has committed one or more of the offenses enumerated in paragraph (2) (1) of this Code section within the past three years. The existence of such organization, association, or group of individuals associated in fact may be established by evidence of the use of such things as, but not limited to, a common name or common identifying actions, words, signs, symbols, tattoos, body art, graffiti, or attire or other distinguishing characteristics."

## SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

## SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

On the adoption of the substitute, the yeas were 32, nays 9, and the committee substitute was adopted.

The report of the committee, which was favorable to the passage of the bill by substitute, was agreed to.



On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
E Balfour	Y Hill,Judson	E Starr
N Brown	Y Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
N Butler	Y Johnson	Y Stoner
Y Cagle	Y Jones	N Tate
Y Carter	Y Kemp	Y Thomas,D
Y Chance	Y Me V Bremen	N Thomas,R
Y Chapman	N Miles	Y Thompson,C
Y Douglas	E Moody	Y Thompson,S
N Fort	Y Mullis	Y Tolleson
Y Goggans	Y Pearson	Y Unterman
Golden	Y Powell	N Walker
Y Grant	Y Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
E Harbison	Y Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Y Heath	N Seay	Y Zamarripa
E Henson	Y Shafer,D	

On the passage of the bill, the yeas were 42, nays 8.

SB 58, having received the requisite constitutional majority, was passed by substitute.

SR 81. By Senators Hamrick of the 30th and Seabaugh of the 28th:

A RESOLUTION designating the J. G. McCalmon Highway; and for other purposes.

Hamrick of the 30th moved that SR 81 be engrossed pursuant to Senate Rule 6-9.1(c).

Senator Thompson of the 33rd objected.

On the motion, the yeas were 29 nays 8, the motion prevailed and SR 81 was ordered engrossed.

The Senate Transportation Committee offered the following substitute to SR 81:

A RESOLUTION

Dedicating the J. G. McCalmon Highway in honor of J. G. McCalmon; and for other purposes.

WHEREAS, J. G. McCalmon diligently and conscientiously devoted innumerable hours of his time, talents, and energy toward the betterment of Carroll County and the State of Georgia as evidenced dramatically by his service as a director of the Carroll County EMC beginning in 1961 and chairman beginning in 1980 until his death in 2004, by his service as a director of Oglethorpe Power Corporation, and by his work with many civic and business organizations in Carroll County; and

WHEREAS, J. G. McCalmon has a natural and logical connection to the geographic area in which is located the highway system to be dedicated in his honor; and

WHEREAS, it is fitting and proper that the outstanding accomplishments of J. G. McCalmon be recognized appropriately.

NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA that State Highway 113 from its intersection with U. S. Highway 27 to the Carroll/Haralson county line be dedicated in honor of J. G. McCalmon as the J. G. McCalmon Highway.

BE IT FURTHER RESOLVED that the Department of Transportation is authorized and directed to place and maintain appropriate markers dedicating the J. G. McCalmon Highway.

BE IT FURTHER RESOLVED that the Secretary of the Senate is authorized and directed to transmit an appropriate copy of this resolution to the Department of Transportation.

On the adoption of the substitute, the yeas were 35, nays 1, and the committee substitute was adopted.

The report of the committee, which was favorable to the adoption of the resolution by substitute, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Y Adelman  
E Balfour

Y Hill,Jack  
Y Hill,Judson

Y Smith  
E Starr

Brown	Y Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
Y Butler	Y Johnson	Y Stoner
Y Cagle	Y Jones	Y Tate
Y Carter	Y Kemp	Y Thomas,D
Y Chance	Y Me V Bremen	Y Thomas,R
Y Chapman	Y Miles	Y Thompson,C
Y Douglas	E Moody	Y Thompson,S
Y Fort	Y Mullis	Y Tolleson
Y Goggans	Y Pearson	Unterman
Golden	Y Powell	Y Walker
Y Grant	Y Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead
E Harbison	Y Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Y Heath	Y Seay	Y Zamarripa
E Henson	Y Shafer,D	

On the adoption of the resolution, the yeas were 48, nays 0.

SR 81, having received the requisite constitutional majority, was adopted by substitute.

The following communications were received by the Secretary:

Senator Steve Thompson  
District 33  
121-F State Capitol  
Atlanta, GA 30334

**Committees:**

Appropriations  
Banking and Financial Institutions  
Finance  
Transportation

The State Senate  
Atlanta, Georgia 30334

February 15, 2005

The Honorable Frank Eldridge  
Secretary of the Senate  
Georgia State Capitol  
Atlanta, Georgia 30334

Dear Mr. Secretary:

I am asking that this note be placed in the Journal for this day, February 15, 2005.

I had been asked to have Senator Tim Golden of the 8th District excused from the last three votes on the last three bills of the Calendar today due to an important constituent meeting. Unfortunately I forgot to do so, and am asking in this letter that he be officially excused for the above reasons.

Thanks for all your help.

Sincerely,

/s/ Steve Thompson  
33rd District

Senator Ralph Hudgens  
District 47  
110 State Capitol  
Atlanta, GA 30334

**Committees:**

Insurance and Labor  
Agriculture and Consumer Affairs  
Banking and Financial Institutions  
Natural Resources and the Environment  
Retirement  
Reapportionment and Redistricting

The State Senate  
Atlanta, Georgia 30334

February 15, 2005

The Honorable Frank Eldridge  
Secretary of the Senate  
353 State Capitol

Dear Frank,

Please remove my name as the first signer on Senate Bill 149.

Sincerely,

/s/ Ralph Hudgens

Senator Stephens of the 27th moved that the Senate adjourn until 10:00 a.m. Wednesday, February 16, 2005.

The motion prevailed, and the President announced the Senate adjourned at 12:02 p.m.